

**Stanhope Land Use Board
October 20, 2014
Regular Meeting
Minutes**

CALL MEETING TO ORDER:

Chairman Maguire called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE:

STATEMENT:

Adequate notice for this meeting has been provided according to the Open Public Meetings Act, Assembly Bill #1030. Notice for this Meeting was forwarded to the New Jersey Herald and Daily Record on January 14, 2014 and was placed on the municipal bulletin board.

Furthermore, notice of the meeting time change was forwarded to the New Jersey Herald and Daily Record on July 15, 2014 and was placed on the municipal bulletin board.

In the event the Board has not addressed all the items on its agenda by 11:00 p.m., and it is of the opinion that it cannot complete the agenda in a reasonable period, the Board may exercise its option to continue this meeting at an agreed time and place, within ten (10) days of this meeting.

At this time, please turn off all cell phones.

ROLL CALL:

Nicholas Bielanowski - absent	Thomas Pershouse – present
Michael Depew - present	Joseph Torelli - present
John Rogalo – present	Michael Vance - absent
Rosemarie Maio – absent	Paula Zeliff-Murphy - present
Andrew Orinick, Alt # 1 - present	John Maguire – present

Others present: Board Attorney Michelle Corbett-Rivielle (for Roger Thomas, Esq.)

MINUTES

September 8, 2014 Regular Meeting– Mr. Torelli stated there is a correction to be made on page 12, 5th line from the bottom, change the word no to not. On motion by Mr. Pershouse, seconded by Ms. Zeliff-Murphy, the Minutes of the September 8, 2014 meeting were approved by majority voice vote with the correction noted. Mr. Rogalo abstained.

CORRESPONDENCE

09-10-14 DPW – Boyle Minor Subdivision, Blk 10601, Lot 4

10-10-14 New Jersey Planning Officials - New Jersey Planner (July/Aug edition)

On motion by Ms. Zeliff-Murphy, seconded by Mr. Pershouse, and carried by unanimous voice vote, the Correspondence List was accepted and placed on file.

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS:

Chairman Maguire opened the meeting to the public for non-agenda items.

Seeing no one from the public wishing to speak, Chairman Maguire closed the public portion of the meeting.

COMPLETENESS:

None

UNFINISHED HEARINGS:

14-01, CBS Outdoor, LLC (*Carried to November 10th Meeting at Applicant's Request*)

Block 11701, Lot 11 "D" Variance

Deemed Complete: 02/10/14

120 days: 06/10/14 (extension granted)

NEW HEARINGS:

14-04, Courtney & Jim Boyle

Block 10604, Lot 4, Minor Subdivision (Lot Line Adjustment)

Deemed Complete 9/8/14

45 days: 10/23/14

Chairman Maguire invited Courtney and Jim Boyle forward. Attorney Corbett-Rivelle swore in both applicants. Mrs. Boyle stated their address as 1 North Central Avenue, Stanhope and they are seeking a lot line adjustment. The adjacent property owner has a strip of land the Boyle's want to purchase in order to straighten out their property line. Mrs. Boyle stated their house sits back on the lot and the back yard is small.

Mr. Pershouse asked if the lot line adjustment will make the neighbor's lot size non-conforming. Mrs. Boyle replied she has spoken with Maureen Kaman, Tax Assessor. Mr. Boyle testified the existing property is 8,000 sq.ft. to which they will add 2,500 sq.ft. for a new total of 10,500 sq.ft. The adjacent property owner's lot is currently 20,568 sq.ft., minus 2,500 sq.ft. will bring that total to 18,068 sq. ft. Mr. Pershouse stated the Boyle's lot will still be non-conforming. The neighboring property will still be a conforming lot after the lot line adjustment.

Mr. Pershouse asked Mr. & Mrs. Boyle about the terrain of their property and whether or not any trees will need to be cleared. Mr. Boyle stated most of the property is lawn. Attorney Corbett-Rivelle labeled the photograph Exhibit P1 which was submitted with the applicants application and asked Mr. & Mrs. Boyle to describe the photograph to the Board. Mrs. Boyle stated there is an existing fence on the neighboring property which is located in the middle of the section the Boyle's wish to acquire. The fence will be moved to the new property line. Chairman Maguire asked Mr. Pershouse what permits will be required to move the fence. Mr. Pershouse replied once the deed is recorded, a zoning permit will have to be obtained for the placement of the fence. A building permit is not required, provided the fence is less than six feet in height.

Mr. Torelli asked Mr. & Mrs. Boyle if Mr. Devine is the owner of property they want to purchase. Mrs. Boyle confirmed Mr. Devine is the owner and the Boyle's will be purchasing the property from him. Mr. Pershouse asked Mr. & Mrs. Boyle if Mr. Devine is in agreement or opposed to selling the property. Mrs. Boyle replied Mr. Devine is in agreement. Chairman Maguire asked Mr. & Mrs. Boyle if they would mind calling their attorney and the neighboring property owner to confirm they will be attending tonight's meeting.

Mrs. Boyle confirmed Mr. Devine, the neighboring property owner is in route. Chairman Maguire stated at this time further testimony is required from Mr. Devine and Mr. & Mrs. Boyle's attorney who are in route to the meeting. Chairman Maguire stated the Land Use Board will continue on with the business portion of the meeting and return to the hearing once the other parties arrive.

OLD BUSINESS

NONE

NEW BUSINESS

NONE

BILLS:

John Cilo Jr. Associates, Inc.
09/08/14 Re: Land Use Board General \$99.00

Chairman Maguire put a hold on the bill for John Cilo Jr. Associates, Inc. pending further clarification. The bill, as presented, does not indicate the charges are for the Land Use Board.

Chairman Maguire stated that Attorney Michelle Corbett-Rivielle's services were not needed for the Closed Session and thanked her for attending tonight's meeting.

NEW HEARINGS: (continued)

14-04, Courtney & Jim Boyle

Block 10604, Lot 4, Minor Subdivision (Lot Line Adjustment)

Deemed Complete 9/8/14

45 days: 10/23/14

Chairman Maguire invited Mr. & Mrs. Boyle and their attorney, Bernd E. Hefe, forward to continue the hearing. Attorney Hefe apologized for being late and stated he was under the impression the meeting was scheduled for 7:30. Chairman Maguire recapped the discussion which took place with Mr. & Mrs. Boyle prior to Attorney Hefe's arrival.

Attorney Hefe stated the neighboring lot will remain in compliance and the Boyle's property will move closer to compliance. Attorney Hefe stated he will send copies of the deeds to the Land Use Board's Attorney. Attorney Corbett-Rivielle asked Attorney Hefe to provide the basic information regarding the properties for the lot line adjustment. Mrs. Boyle testified that she and her husband own Block 10604, Lot 7 and 8, the property was purchased in 1999. The property adjoins Block 10604, Lot 4 owned by their neighbor. Attorney Hefe asked Mrs. Boyle if she and her husband have discussed the purchase of the property with their neighbor. Mrs. Boyle confirmed this. Mrs. Boyle stated 2,500 sq.ft. will be purchased from their neighbor. Attorney Hefe stated this property is depicted on the subdivision plan prepared by Pittenger and Keith which was submitted as part of the application and is dated August 14, 2014. Mrs. Boyle testified that by adding 2,500 sq.ft. to their lot the new lot size will total 10,500 sq.ft.

Attorney Corbett-Rivielle stated to Attorney Hefe the photograph has been marked Exhibit P1. A discussion was held earlier regarding the fence. Mr. Pershouse asked Mr. & Mrs. Boyle if the neighbor has any structures on the property, other than the fence, which will have to be moved. Mr. Boyle stated there is a shed located on the neighbor's property which the Boyle's have agreed to move. Mr. Pershouse informed Mr. & Mrs. Boyle that a zoning permit will be required and the current zoning codes will have to be adhered to.

At 7:30PM Mr. Devine arrived. Attorney Corbett-Rivielle invited Mr. Devine forward and asked him to state his name and address. Mr. Jeff Devine, 505 Warren Street, Hackettstown, NJ was sworn in by Attorney Corbett-Rivielle. Attorney Hefe asked Mr. Devine to testify to information regarding the subdivision. Mr. Devine testified that he is the owner of Block 10604, Lot 4 and he has owned the property since 2001. Mr. Devine stated there is a single family home on the lot and a fence. Attorney Hefe asked Mr. Devine if he has made arrangements with the Boyle's to transfer a portion of his property to them. Mr. Devine confirmed this. Attorney Hefe asked Mr. Devine if the portion of the

property to be transferred is the piece indicated on the subdivision drawing prepared by Pittenger and Keith dated August 14, 2014 as being the 25'x100' piece which is contiguous to the Boyle's. Mr. Devine confirmed this. Attorney Hefeled stated the shed will have to be moved and asked Mr. Devine if the Boyle's have agreed to move the shed. Mr. Devine confirmed this.

Chairman Maguire asked the Board if there were any more questions for Mr. & Mrs. Boyle or Mr. Devine. Seeing none, Chairman Maguire asked if any members of the public wished to comment on this application. No one from the public wished to comment.

On motion by Mr. Pershouse, seconded by Councilman Depew and unanimously carried by the following roll call vote, approval was granted to Courtney and Jim Boyle for a Minor Subdivision (Lot Line Adjustment) for Block 10604, Lot 4.

ROLL CALL:

Nicholas Bielanowski - absent
Michael Depew - yes
John Rogalo - yes
Rosemarie Maio - yes
Andrew Orinick, Alt # 1 - yes

Thomas Pershouse - yes
Joseph Torelli - yes
Michael Vance - absent
Paula Zeliff-Murphy - yes
John Maguire - yes

CLOSED SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231 P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Stanhope, County of Sussex, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter(s).
2. The general nature of the subject matter(s) to be discussed is as follows:
 - Contracts
3. It is anticipated at this time that the above stated subject matter(s) will be made public at the conclusion of each individual specified subject matter.
4. This resolution shall take effect immediately.

On motion by Ms. Zeliff-Murphy, seconded by Mr. Pershouse, and unanimously carried by voice vote, the foregoing resolution was adopted.

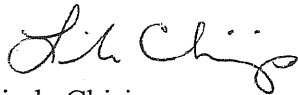
The Land Use Board went into Closed Session at 7:32 P.M.

At the conclusion of the Closed Session, the Land Use Board reconvened the public meeting at 7:43 P.M. with all present.

ADJOURNMENT:

On motion by Councilman Depew, seconded by Mr. Pershouse, it was the consensus of the Board to adjourn the meeting at 7:43 P.M.

Respectfully submitted,



Linda Chirip

11/10/2014

